TESTIMONY OF

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BEFORE THE

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON IMMIGRATION AND CLAIMS

U.S. HOUSE OF REPRESENTATIVES

CONCERNING

H.R. 2837, THE NATURALIZATION REFORM ACT

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ROOM 2237 RAYBURN HOUSE OFFICE BUILDING

9:30 A.M.

Mr. Chairman and Members of the Committee:

I am pleased to have this opportunity to appear before the Committee to testify concerning H.R. 2837, the Naturalization Reform Act of 1998.

Before discussing the specific provisions of the bill, I would like to provide you with a brief overview of the significant improvements INS has made to naturalization processing in the last year, and some of the plans we have for continuing improvements. Mr. Bratt, senior manager of the Department of Justice's (DOJ) Criminal Division, came to INS in April 1997 to spearhead INS efforts to restore the integrity of and public confidence in the naturalization process, and to oversee improvements to naturalization processing in terms of standardization, communication and backlog reduction.

Since establishment of the Office of Naturalization Operations, our number one priority has been to address the integrity concerns in the naturalization program. The Service has achieved a great deal of success in this area since then. Specifically, in December 1997, the KPMG audit of INS naturalization procedures found that INS had effectively implemented the new Naturalization Quality Procedures designed to insure the integrity of naturalization processing.

The INS, in response to requirements in the FY 1998 appropriations bill, is in the process of implementing a new fingerprinting system nationwide, which will be fully functional by mid-March. This program will utilize a network of "Application Support Centers" (ASCs) where contract staff, overseen by INS employees, will verify each applicant's identity and fingerprint the applicant using either ink or live-scan fingerprint machines. The ASC staff will forward fingerprint cards to INS service centers, and in turn to FBI for processing. INS will use a combination of 75 free-standing Application Support Centers, 51 ASCs co-located within existing INS space, 44 mobile routes, and 39 designated law enforcement agencies operating under sole source contract agreements to provide coverage. The coverage provided by these sites ensures that 92% of our customers are within 25 miles of an ASC site, and 75% are within 10 miles.

Since 1991, English and Civics testing has been done by both INS and a network of 5 national testing organizations and their local affiliates. The INS has no contractual or financial agreement with the national organizations. Without contractual authority or regulatory oversight, many concerns over integrity in the program have been raised. One national entity was terminated from the program in January 1997. Last month 20 employees of various local affiliates were indicted for testing fraud. INS has now decided to move forward with a pilot program to conduct testing, administered by a contractor and overseen by INS staff, at the ASCs. Our target is to provide testing at select ASCs starting July 1, 1998 with a phase out of the current system by September 1, 1998. Applicants will continue to have the option of being tested by INS adjudicators on English and Civics during the interview. We will continue to work closely with Coopers & Lybrand, and other testing experts, on developing a new standardized test which, under the Coopers & Lybrand reengineering blueprint, would be administered prior to the applicant filing for citizenship.

INS has instituted several measures to standardize processing, including new automated systems and Direct Mail for all N-400 applications by April. Direct Mail allows for up-front processing of naturalization applications to be done at the 4 highly-automated INS Service Centers, reserving the time of staff at the district office to conduct interviews. Furthermore, INS is dramatically increasing naturalization information available on the public INS Internet web -- including naturalization forms, citizenship study materials and a "self-test", and eligibility information. We hope in the future to institute a system to allow status inquiries to be made on-line, as well.

The Service has also taken several steps to address the naturalization backlog. As a first step in backlog reduction, INS has collected and analyzed application workload data from every office and identified key "choke points" or bottlenecks where applications become stuck in our process. With this data in hand, office-specific plans are being developed to remedy specific problems, primarily through changing procedures and supplementing resources. Finally, we look forward to implementation of, key recommendations laid out in the Coopers & Lybrand reengineering blueprint to address processing problems long-term.

It is in the context of these major changes in the naturalization program that I wish to make clear that the Service believes this legislation is unnecessary and opposes this bill. I will outline the fundamental concerns that the Service has with this proposed legislation.

First, the Service believes that the proposed naturalization-related measures largely duplicate quality assurance measures that are already in place as a result of statutory requirements, regulations, INS policies, and naturalization processing procedures that INS has already developed and instituted. In particular, we note that most of the proposed statutory processing requirements are already part of the current Naturalization Quality Procedures (NQP), including definitive response from the FBI on fingerprints.

In addition, many of the proposed changes in the bill would impose unnecessary burdens on applicants for immigration benefits and INS, without any comparable enhancement of the integrity of the process. INS needs to maintain its focus on the integrity of the naturalization process while continuing to work on the reducing the naturalization backlog.

The bill would also mandate procedures that may not be consistent with the Coopers & Lybrand (the consultants hired by DOJ to help re-engineer the naturalization process) blueprint for naturalization

reengineering. If the bill were to be enacted, the new statute could well make it impossible for INS to make further necessary improvements to the naturalization process, on the basis of the consultant's recommendation, without first securing additional legislation.

The provisions of the bill I will now discuss the specific provisions of the bill.

Section 2 -- Bar to Naturalization of "Deportable" Aliens

Section 2 would amend § 316 of the Immigration and Nationality Act (INA) to bar the naturalization of aliens who, on the date of filing their applications, are deportable because they have been convicted of certain crimes, are subject to an outstanding removal order under Section 235(b)(1), Section 240, or any other provision of law, or who are in removal proceedings. We believe this provision is not necessary and should be stricken.

This provision duplicates, but is less comprehensive than, current law. Section 318 of the INA already bars the naturalization of an alien who has been found deportable for any reason. Section 318 also prohibits consideration of a naturalization applicant if a removal proceeding is pending against the applicant. The current proposal, moreover, would not apply to an alien after the alien files his or her naturalization application. Section 318, by contrast, does bar the naturalization of an applicant who is found deportable and ordered removed after the applicant applies for naturalization.

In addition, initiating removal proceedings provides a sufficient legal basis for deferring adjudication of a naturalization application. If the alien is found deportable and ordered removed, then § 318 would mandate denial of naturalization. Even if the immigration judge terminates the removal proceeding, the finding that the alien is not deportable does not prevent the Service, under § 318 as it currently stands, from finding that the alien lacks good moral character and so is not eligible for naturalization.

Finally, barring naturalization of aliens who simply are deportable, but against whom INS has not initiated removal proceedings, could result in a class of aliens who are permanently barred from naturalization even though they will never be subject removal proceedings.

Section 3 -- Lengthening the Good Moral Character Period

Section 3 of the bill would amend § 316(a)(3) by providing that a naturalization applicant must establish that he or she is a person of good moral character, and has been during the 10 year period immediately preceding his or her filing of the application for naturalization. This 10 year good moral character period would apply regardless of the period of permanent residence that an individual applicant must satisfy in order to qualify for naturalization.

INS opposes this provision.

The traditional rule is that the good moral character period has been coterminous with the minimum period of residence as a permanent resident. So for most applicants, the good moral character period is currently 5 years, but the good moral character period is shorter for spouses of citizens, those naturalizing on the basis of military service, etc. If Congress enacted § 3, an applicant's good moral character period could well extend to include the period before he or she even immigrated. Note that § 316(a)(3) is broader than just "good moral character," as it is usually understood. Rather, § 316(a)(3) encompasses as well the applicant's attachment to the Constitution and his or her disposition toward the "good order and happiness of the United States." It would be anomalous to require proof that the applicant had these attitudes even before he or she came to the United States.

Moreover, each applicant for permanent residence must undergo a background check concerning all grounds of inadmissibility, not just those that relate to his or her moral character. It is not likely that a longer good moral character period would yield additional disqualifying information.

Section 4 -- Criminal background checks

This section has several provisions. I will comment on each of them separately.

Proposed amendment: The proposed new § 106(a)(1) of the Act states that no benefit may be granted unless the applicant has submitted a complete and legible set of fingerprints that have been prepared by an INS employee, a single contractor to the INS, or by a State or local law enforcement agency (LEA). Under certain circumstances, fingerprints may also be prepared at a U.S. consular office under the jurisdiction of the State Department, or a military facility or installation outside the United States and under the jurisdiction of the Department of Defense.

INS response: This provision is unnecessary. The Department of Justice Appropriations Act, 1998, Pub. L. No. 105-119, 111 Stat. 2440, already prohibits INS from accepting fingerprints for criminal background checks unless the fingerprints were prepared by an INS employee or, under limited circumstances, by a state or local law enforcement agency, a U.S. consular office or a military facility or installation outside the United States. This requirement entered into force on December 3, 1997. We are currently in compliance with these requirements. The INS is opening Application Support Centers (ASCs) where contract staff under the supervision of INS personnel will prepare the majority of fingerprints used for criminal background checks.

Proposed amendment: The proposed § 106(a)(2) of the Act would require the Commissioner to request the Director of the FBI to conduct a criminal history check by submitting fingerprints and any supplementary information required by the FBI, to the FBI.

INS response: This provision is unnecessary. It is already a requirement under § 335 of the Act that an applicant for citizenship be investigated. As stated in 8 CFR 335, the investigation must include police department checks, a requirement that may not be waived. For this reason, the INS requires applicants to submit an FD-258 for processing with the FBI.

Proposed amendment: The proposed § 106(a)(3) of the Act requires the FBI to conduct a background check on each applicant for a benefit under the INA, using the fingerprints and information provided by the Commissioner, and provides that the INS may not grant the application until the INS has received a definitive response from the FBI.

INS response: This provision is unnecessary. Since the November 29th NQP memo, INS policy has established that no naturalization applicant who is required to submit fingerprints may be granted citizenship unless a definitive response has been received from the FBI. Further, the INS has already completed an interim rule, in response to requirements in the 1998 DOJ Appropriations Act, that will formalize this requirement in INS regulations. It has also been national policy, since April 2, 1997, that no application for a benefit other than naturalization may be granted, if the applicant is required to submit fingerprints, unless the INS has received a definitive response on the FD-258 submission from the FBI.

Proposed amendment: The proposed § 106(a)(3) of the Act would require the FBI to use fingerprints and information provided by the INS in order to conduct a criminal history check.

INS response: We request that this section be amended to indicate that the FBI must use information on the FD-258 provided by the INS, not solely the fingerprints. INS employees do not have authority to classify fingerprints and must submit the best fingerprints available. Despite the best efforts of the INS and other law enforcement agencies, and despite, as well, the rigorous training of the FBI fingerprint classification specialists, the FBI may find that the submitted fingerprints are unclassifiable.

Accordingly, the expression "using the fingerprints" should be stricken or clarified to permit the FBI to use the FD-258 in its entirety, not just the fingerprints. It is, in fact, the case that the FBI may find the applicant's name, date of birth, and other biographic information on the FD-258 sufficient in order to run a background check of an applicant in the Criminal Justice Information System (CJIS) database. When the FBI is satisfied that this other information is sufficient, the INS should be able to rely on the FBI's expertise. This alternative, of course, would only be available if the FBI concluded that a fingerprint check

is not feasible but that a valid background check was still possible.

Proposed Amendment: Proposed Section 106(a)(4) of the Act requires that the INS conduct an investigation of an applicant's complete criminal history record.

INS response: This provision is unnecessary. It is already an internal INS policy requirement, as part of the NQP, that an interviewing officer request an applicant to submit the criminal history record for every offense listed on an FBI rap sheet, the applicant's file, any police clearances provided by an applicant, or admitted to by the applicant under oath during the course of an interview. This amendment merely enacts the already existing policy. However, this requirement is under review, since it has been the INS' experience that applicants are not always able to provide such documentation.

For example, there have been instances where a law enforcement agency could not provide a police clearance for a particular offense because the agency no longer has the record. Instead, the agency may be able to provide a "name-search" clearance for an applicant. If this provision remains in the bill, we request that it be clarified to allow INS to accept alternate documentation for a criminal background clearance. As written, this provision limits the Service from accepting alternate documentation for a criminal background clearance.

Proposed amendment: Proposed § 106(a)(5) of the Act would require that the INS employee who conducts the examination of the applicant document the review of his or her recommendation by another Service officer, when the applicant has a criminal history record that "bears upon the applicant's eligibility for naturalization."

INS response: This provision is unnecessary. This review is already an internal policy requirement and has been so for all naturalization examiners since November 29, 1996. However, the Service is currently reviewing this requirement to take into account the relative experience of adjudicating officers. District Adjudications Officers (DAOs) are required to demonstrate independence and proficiency in adjudicating complex cases in order to be promoted to senior grade levels. A statutory requirement to document secondary review of cases involving potentially disqualifying criminal history records without consideration of an individual officer's skill and experience could radically affect and redefine the position requirements for a naturalization DAO. The policy may extend the processing time of an application without taking into account the experience of senior officers who do not require an extra level of review. Making this requirement a statutory requirement would preclude the Service from modifying the policy to reflect the greater competence of more experienced officers.

Proposed amendment: The proposed § 106(c)(1)(E) of the Act would require a background check for any person who has filed a petition to accord a child defined in section 101(b)(1)(F) classification as an immediate relative under § 201(b)(2)(A)(i), and any additional individual, over the age of 18, whose principal or only residence is the home of such person."

INS response: This provision will provide useful clarification of regulations already promulgated by the INS; however, the proposed amendment should be changed to read:

(E) A person who has filed a petition to accord a child defined in section 101(b)(1)(F) classification as an immediate relative under section 201(b)(2)(A)(i), and any additional individual 18 years of age or older, whose principal or only residence is the home of such person.

Proposed amendment: The proposed § 106(d) of the Act would require the Attorney General to charge fees to cover criminal background checks.

INS response: This provision is unnecessary. INS already has the authority for collection of a fee for fingerprinting, as provided under the Department of Justice Appropriations Act, 1998, Pub. L. No. 105-119, 111 Stat. 2440.

Section 5 -- Mandatory interviews for adjustment applicants

Section 5 would enact a new § 245B, requiring each and every applicant for adjustment of status to that of an alien lawfully admitted for permanent residence to appear "before an employee of the Service" for a personal interview concerning the applicant's eligibility. Since the provision is not specific, it appears that it would apply to all forms of adjustment to permanent resident status, whether under §§ 209, 245, 245A, or 249 of the INA or under special adjustment provision, such as the Cuban Adjustment Act of 1966.

The Service already has adequate authority to require the personal interview of any adjustment applicant. Many cases, however, are quite straightforward and a personal interview is not necessary; consequently, the Service has allowed for a decision to be made on the adjustment application without a personal interview. Conducting an interview in every adjustment case would require the Service to divert significant resources from other essential programs and would greatly delay the adjudications process. The Service should continue to have discretion to determine if a personal interview is necessary, if the Service is satisfied that the interview will have little or no probative value. The Service will, at a minimum, continue to require personal interviews in cases of apparent fraud, misrepresentation, other immigration violations, or whenever there is a need for clarification.

If Congress decides to enact this provision, Congress should at least replace "an employee of the Service" with "an immigration officer or immigration judge." If not, then an alien who seeks adjustment of status in removal proceedings would be required by statute to be interviewed by an INS officer, in addition to the alien's appearance before the immigration judge who decides the case.

Section 6 -- Naturalization Interviews

As with § 4, this section has several provisions. I will comment on each provision separately.

Proposed amendment: Section 332 of the Act would be amended to include a requirement that an examination of an applicant for eligibility include a personal interview, and mandates evaluations of English language skills, discussion of criminal history records, verification of each statement on the application.

INS response: This provision is unnecessary and inadvisable. INS regulations (8 CFR § 335.2) already require an applicant to appear for interview. Nevertheless, the Service is currently considering amending the regulation to permit the Service to deny naturalization, without a personal interview, if the record reveals some clear statutory ineligibility. If the Service reviews the record, and finds that an applicant is ineligible to naturalize (e.g., has not met the statutory residency requirements, has failed to submit requested initial information, etc.), it may be advantageous to amend the regulation in order to allow denial of the application without requiring the applicant to be fingerprinted and scheduled for an appearance. If the Service has knowledge that an application must be denied, it will save the Service and the applicant time and money to adjudicate the application without requiring an appearance. However, if the bill is passed, the Service will be required by statute to interview an applicant, knowing that the application must be denied.

Proposed Amendment: The proposed new Section 332(a)(i)(1) of the Act would require an applicant to demonstrate the ability to speak and understand words in ordinary usage in the English language (unless otherwise exempted).

INS response: This provision is unnecessary. Under § 312 of the Act, applicants are already required to demonstrate the ability to speak and understand English words in ordinary usage, unless otherwise exempted.

Proposed amendment: According to proposed new § 332(a)(i)(2) of the Act, an applicant shall be required to describe any criminal offenses, other than minor traffic violations, during the course of the mandatory interview.

INS response: This provision is unnecessary. It is already an INS policy requirement that naturalization applicants be requested to submit final dispositions for all criminal offenses. In the alternative we request that this language be amended to omit references to "minor traffic violations." To leave this reference in place could prove confusing and misleading, and could result in an applicant's withholding information that is relevant to his or her application. Depending on the actual statutory elements of an offense, what may be called "minor traffic violations" could render an applicant ineligible for naturalization. For example, in California, failure to appear in court, a violation of § 40508A of the Vehicle Code, and failure to pay a fine, a violation of § 40508B of the Vehicle Code, are both misdemeanor violations, regardless of the underlying offenses. Accordingly, if an applicant for naturalization has recently failed to pay a fine resulting from a simple parking ticket, he or she may have been convicted of a misdemeanor offense of failure to pay the fine, and may be on probation. An applicant who is on probation is ineligible to naturalize. Again, depending on the state, an examining officer may be compelled to investigate "minor" traffic violations, because they may lead to offenses or dispositions that render an applicant ineligible for naturalization by statute. The proposed amendment in the bill is too limiting and does not take into account local or state law.

Proposed amendment: The proposed new § 332(a)(i)(3) of the Act will require an interviewing officer to verify each statement on the N-400, and any documents submitted in support of the application.

INS response: INS opposes this provision. Its effect would be unduly burdensome on the INS and on the applicant. Information on the application includes statements on the applicant's mailing address, residences for the last five years, employment for the last five years, marital history, children, a range of questions relating to the applicant's good moral character, and affiliation with any organizations. The intent of the amendment is unclear. If the intent is that INS verify all such information as part of a detailed investigation, an officer would have to visit the applicant's Post Office box in order to verify its existence, visit the applicant's homes for the last five years, talk to employers and visit work addresses for the last five years, visit the applicants spouse or spouses, all children, and verify each and every good moral character statement. These stringent investigatory requirements would apply for each and every naturalization application.

Further, it should be noted that many applicants list residences, employment, and former spouses and children from various states and from overseas, and it would not be possible to verify this information in a timely or practical manner. According to § 335 of the Act, a detailed neighborhood investigation of an applicant is required, but may be waived at the discretion of the Attorney General. Further, under 8 CFR 335.1, neighborhood checks may be waived at the discretion of the District Director. Such checks are generally unnecessary and do not add to the value of the adjudicative process. Consequently, these investigations are waived almost without exception.

Current INS regulations (8 CFR 335.2) provide clearer and more practical guidance in directing verification of information. Unless an applicant has been granted a § 312 exception due to a disability, information on the N-400 is orally verified at the time of interview. As required under 8 CFR 335.2, at the conclusion of an examination, an applicant must sign the N-400 application under penalty of perjury to affirm he or she knows the contents of the N-400 application, supplements, and all corrections, and that the amended information on the application is true.

It is clear that verification of information, as required by regulation, is already a clearly outlined and integral part of the adjudication process. Mandating this procedure, or increasing the scope of the verification through vaguely worded statutory change, is impractical and unnecessarily complicates current practices.

Section 7 -- Citizenship testing

Proposed amendment: The bill requires INS to develop a master list of testing questions by July 1, 1998, to administer all tests solely through INS or a single contractor (with continual oversight by INS), and to allow for re-testing persons suspected of cheating on one of the previously noted tests.

INS response: This provision should be stricken. INS is currently involved with a complete re-evaluation of how section 312 determinations are made on English and Civics. As part of the first phase of this evaluation, we are proposing to terminate the current outside testing program in its entirety. At the same time, and with the assistance of our consultants on this effort, we plan to pilot a prototype method for pre-testing applicants on English and Civics at the newly opened Application Support Centers (ASCs). Our tentative timetable is to begin the pilot on July 1 of this year, and phase out of the current program by September of this year.

To amend the Act with these suggested requirements will limit the Service's flexibility in our ongoing work with Coopers & Lybrand and in our effort to create a testing program that is safe from fraud and that accurately measuring the applicant's English or Civics ability. We request the Congress grant us time to pilot our proposed testing approach and to develop accurate tests prior to any substantive changes to the INA.

Section 8 -- Requirements with Respect to Resident Alien Cards

Proposed amendment: New § 274E would permit the Commissioner to impose a civil penalty of $50 upon an alien if he or she fails to report the loss, theft, or destruction of the alien registration card within 7 days after the date that the loss, theft, or destruction occurs.

INS response: This provision should be stricken. In its current form, the provision gives the Service no workable means of accurately determining when, or even whether, the individual lost the Form I-551. Since there is no way to verify when the alien actually lost the Form I-551, it is also impossible to determine when 7 days have passed since the date of loss. At a minimum, we would suggest a similar procedure to paragraph (b)(1)(B) of the section entitled "SURRENDER OF RESIDENT ALIEN CARD UPON NATURALIZATION." According to this paragraph, if an individual loses his or her I-551, that person must submit an affidavit to the Attorney General stating that the card was lost and the approximate date and circumstances of the loss. If an alien were required to submit a similar affidavit for a loss of the Form I-551, the Service would have a manner in which to make the $50 civil penalty more enforceable.

Even with that amendment, we believe this requirement would be generally unenforceable. It costs a lawful permanent resident $90 to replace an ARC. It is unclear whether the applicant will be required to pay the fine in addition to the replacement cost of the ARC. If the applicant has lost his or her ARC and wishes to naturalize, there is no incentive to pay the N-400 filing fee of $95 and the replacement cost of $90, when the applicant can swear that the card was lost and pay a lesser fine of $50.

Further, it is not possible to verify when an applicant has lost an ARC. An applicant could tell an interviewing officer that he or she had lost the card within the last seven days. The applicant would thus have reported the loss within 7 days after the date he or she discovered the loss, and would not be fined. There is no way to enforce this requirement, even if the fine were increased to a more punitive amount.

Proposed amendment: New § 338(b) of the Act would require that the Attorney General refrain from delivering a certificate of naturalization to an applicant when the applicant has failed to turn in his or her ARC, unless the applicant has submitted an affidavit attesting to the circumstances of the loss, theft or destruction of the card, and 30 days has elapsed since the submission of the affidavit.

INS response: This provision is unnecessary. Current policy requires that an applicant complete an affidavit attesting to the loss, theft or destruction of the ARC before the applicant may be naturalized. This is a current processing requirement under the NQP. The proposed amendment does nothing to clarify or improve the integrity of current procedures, but does create a bureaucratic and mandatory processing delay of 30 days. If the intent of the language is that a person not be naturalized unless he or she has submitted the affidavit and 30 days has passed, the language should be amended from "may not deliver a certificate of naturalization" to "may not naturalize".

Proposed amendment: New § 338(b)(2) of the bill would authorize INS to investigate claims that naturalization applicants have lost their ARCs.

INS response: This amendment should be stricken. The purpose and the scope of such an investigation are unclear. If an applicant submits a sworn statement attesting that he or she has lost the ARC, or that it has been destroyed or stolen, how could the Service investigate the claim? Generally, such statements must be taken at face value unless derogatory evidence is received. In most cases, the INS could neither prove nor disprove the loss, theft or destruction of an ARC.

Section 9 -- Revocation of naturalization

Proposed amendment: New §§ 340(a)(2) and (d) would clarify the standards for proving that a person obtained naturalization by the willful concealment or misrepresentation of a material fact.

INS response: The amendment relating to the definition of material fact would be quite helpful. However, this amendment should not be limited to judicial proceedings to revoke naturalization, but should apply as well to all administrative and judicial proceedings under the INA. For this reason, INS believes that the proposed amendment should be to § 291 of the INA, not to § 340.

Proposed amendment: New § 340(j) would establish a 5 year statute of limitations for an administrative proceeding to correct, reopen, alter, modify or vacate a grant of naturalization.

INS response: If this provision is to be enacted, it should be amended by adding to new § 340(j) the following two sentences:

The fact that an administrative proceeding to correct, reopen, alter, modify or vacate an order naturalizing a person has become barred by the passage of time under this subsection shall not bar a civil action under section 340(a) of this Act for judicial revocation of naturalization. The United States may bring an action under section 340(a) of the Act at any time.

Section 10 -- Quality assurance and improved oversight of the naturalization process

Proposed amendment: The INS would be required to "establish a process (including internal audit procedures, other audit procedures, or both) to review the ongoing compliance with all laws, policies and procedures affecting naturalization by each office" that has naturalization related duties.

INS response: This provision is unnecessary.

The naturalization process has already been subject to extensive audits, and the INS has proposed subsequent audits. The INS has completed an internal review to assess compliance with the proper processing procedures for naturalization applications. The Office of Internal Audit (OIA), in conjunction with the Executive Office for Naturalization Operations (EONO), completed a review of 4 INS Service Centers and 32 naturalization sites within 21 Districts. These reviews included the Service Centers and the Districts that receive the majority of the Service's applications, and were a good measure of the successful implementation of the updated NQP as a whole. The review was comprised of several teams of 3 to 5 senior INS employees, and site visits occurred at intervals starting in August and ending in October. The reviews provided Headquarters INS and the field with feedback on the implementation of the naturalization quality procedures implemented in June 1997.

During FY97, INS, with JMD, also arranged for external audits of the naturalization process. The final results of the external audit review have been extremely favorable. On September 4, 1997, KMPG Peat Marwick reported that the INS had successfully distributed and trained Service Centers and local offices on the updated NQP within the Districts and Service Centers visited. Further, on December 16, 1997, KPMG Peat Marwick provided a final audit report that found of 24 INS Service Centers, District Offices, and CUSA sites visited, 20 had been fully compliant with critical naturalization processing controls. Of the 4 sites that were not in compliance, a zero tolerance assessment method found one error in each of two offices, and two errors in a third office. In total, of approximately 4,000 files sampled in the 24 offices, 11 files had 12 errors. KPMG Peat Marwick reported that its review results indicate the INS has successfully

reexamined its processes and implemented improved processing controls to ensure no ineligible naturalization applicants are granted citizenship.

KPMG Peat Marwick found that the INS has successfully implemented recent naturalization processing requirements, specifically citing that such compliance indicates a reduction in the "likelihood of naturalizing aliens with disqualifying convictions." The INS will shortly commence a new version of the NQP, incorporating suggestions from various audit findings and other feedback. When this version is implemented, the INS will again conduct an internal review of the NQP implementation at various INS sites. This review would be similar in scope to the one that was just completed under OIA's guidance. On an ongoing basis, OIA reviews field office operations every two to three years. These reviews include the naturalization process. Finally, on a monthly basis, each naturalization office reviews 120 - 200 files for compliance with laws, regulations, and procedures. The results of these reviews are sent through the chain-of-command, as well as to OIA. This continuous review of naturalization files provides INS with capability to identify and correct problems quickly, and analyze data for trends towards improvement. Therefore, we are requesting that the language in § 10 be removed from the bill and that the Service be allowed to continue with current audit plans.

Once again, I appreciate the opportunity to testify concerning this bill. I will be happy to answer any questions.